

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JANICE CHUNN

PLAINTIFF

v.

No. 4:05-CV-00894 GTE

**ARKANSAS DEPARTMENT OF HUMAN SERVICES
AND ODELL EMBRY, JR. IN HIS OFFICIAL CAPACITY
AS ECONOMIC SERVICES SUPERVISOR, AND IN HIS
INDIVIDUAL CAPACITY**

DEFENDANTS

ORDER

Three motions are pending in this case, the Motion to Withdraw as Attorney filed by Plaintiff's attorneys, Defendants' Motion to Dismiss/For Sanctions for Failure to Attend Deposition, and Defendants' Motion to Dismiss for Plaintiff's Failure to Respond to Court's Order of September 21, 2006.

On September 21, 2006, this Court held the Motion to Withdraw as Attorney for Plaintiff Janice Chunn submitted by Lorraine Hatcher, on behalf of herself, Causley Edwards and Marquis E. Jones, in abeyance, but stated that the Court would grant the motion after thirty days. Therefore, the Motion to Withdraw is granted.

On that same date, this Court directed Chunn to file a statement with the Court on or before October 21, 2006, "to show cause why this case should not be dismissed by filing with the Court a statement setting forth any and all facts and circumstances which support her position that her claims should not be dismissed or that other sanctions should not be imposed." The

Court stated, "If Plaintiff fails to respond to this Order by October 21, 2006, her Complaint will be dismissed," and held Defendants' Motion to Dismiss/For Sanctions for Failure to Attend Deposition in abeyance. On October 25, Defendants filed a Motion to Dismiss for Plaintiff's Failure to Respond to Court's Order of September 21, 2006. To date, the Court has not received a statement from Plaintiff Chunn.

Federal Rule of Civil Procedure 41(b) states, "For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision . . . operates as an adjudication on the merits." The Court finds that it is appropriate to grant Defendants' Motion to Dismiss for Failure to Respond to Court's Order of September 21, 2006. Plaintiff's case is dismissed with prejudice.

Accordingly,

IT IS THEREFORE ORDERED THAT the Motion to Withdraw as Attorney for Plaintiff Janice Chunn (Docket No. 14) submitted by one Lorraine Hatcher, on behalf of herself, Causley Edwards and Marquis E. Jones, shall be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss for Failure to Respond to Court's Order of September 21, 2006 (Docket No. 19), shall be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss/For Sanctions for Failure to Attend Deposition (Docket No. 15), shall be, and it is hereby, DENIED as moot.

IT IS SO ORDERED this 26th day of October, 2006.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE

